

United States Court of Appeals  
For the Eighth Circuit

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No. 12-2188

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Charles Mwangi Muguchia

*Petitioner*

v.

Eric H. Holder, Jr., Attorney General of the United States

*Respondent*

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Petition for Review of an Order of the  
Board of Immigration Appeals

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Submitted: January 24, 2013

Filed: February 25, 2013

[Unpublished]

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Before WOLLMAN, BOWMAN, and GRUENDER, Circuit Judges.

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PER CURIAM.

Kenyan citizen Charles Mwangi Muguchia petitions for review of an order of the Board of Immigration Appeals (BIA), which upheld an immigration judge's decision denying him asylum, withholding of removal, and relief under the Convention Against Torture (CAT). Muguchia was denied asylum based on the untimeliness of his application, and was denied withholding of removal and CAT

relief based on the merits of his requests. After careful review, we find no basis for reversal. First, we conclude that we lack jurisdiction to review the BIA's determinations regarding the untimeliness of Muguchia's asylum application. See 8 U.S.C. § 1158(a)(3). Second, we conclude that substantial evidence supported the denials of withholding of removal and CAT relief. See Wijono v. Gonzales, 439 F.3d 868, 872, 874 (8th Cir. 2006) (standard of review); see also Uli v. Mukasey, 533 F.3d 950, 956-57 (8th Cir. 2008) (State Department reports can support factual finding of changed conditions to rebut presumption of future persecution). Accordingly, the petition for review is denied. See 8th Cir. R. 47B.

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